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LISA HOLDER, CSB NO. 217752  
KLEIN, DENATALE, GOLDNER,  
COOPER, ROSENLIEB & KIMBALL, LLP  
4550 California Avenue, Second Floor  
Bakersfield, California 93309  
Telephone: (661) 395-1000  
Fax: (661) 326-0418  
E-mail: lholler@kleinlaw.com

Attorneys for Trudi Manfredo, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

In re:  
  
JAMES FLOYD CANNON and  
JAMIE DARLENE CANNON,  
  
Debtors.

Case No. 15-11835-A-7

Chapter 7

DCN: KDG-26

**APPLICATION FOR ORDER  
AUTHORIZING CHAPTER 7  
TRUSTEE TO EMPLOY GENERAL  
COUNSEL**

Date/Time: N/A  
Place: United States Bankruptcy Court  
2500 Tulare Street, Fifth Floor  
Department A, Courtroom 11  
Fresno, California  
Judge: Honorable Fredrick E. Clement

TO THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF CALIFORNIA:

**I. Application.**

Trudi Manfredo, chapter 7 trustee (“Applicant”) requests authority to employ general counsel. According to the court’s docket:

1. James Floyd Cannon and Jamie Darlene Cannon (“Debtors”) filed for relief under Chapter 13 on May 6, 2015. Debtors’ case was converted to a case under Chapter 7 on August 13, 2015. Robert S. Williams represented Debtors throughout the Chapter 13 and Chapter 7 cases. Randell Parker was appointed as the acting trustee in the case.

1           2.       Mr. Parker applied to the Court to employ Klein, DeNatale, Goldner, Cooper,  
2       Rosenlieb & Kimball, LLP (“KDG”), 4550 California Avenue, Second Floor, Bakersfield,  
3       California as his attorneys of record as general counsel. The application was approved and  
4       KDG was employed by order of the Court entered on September 11, 2015 [Doc No. 176].

5           3.       KDG applied for and was paid \$63,768.00 in fees, plus about \$3,700.00 for  
6       expense reimbursements. [Doc Nos. 297, 580].

7           4.       On April 10, 2017, Mr. Parker filed his *Trustee’s Final Account and*  
8       *Distribution Report, Certification that the Estate has Been Fully Administered and Application*  
9       *to be Discharged* [Doc No. 650] and the case was closed on May 17, 2017 [Doc No. 655].

10          5.       On January 16, 2018, Debtor filed *Debtor’s Ex Parte Application to Reopen*  
11       *Case* [Doc No. 658] (“Application to Reopen Case”) to pursue professional negligence claims  
12       against Robert S. Williams. The Application to Reopen Case provided that a Chapter 7  
13       Trustee was not required and should not be appointed, and the case was reopened. However,  
14       the Court entered its *Order Modifying Order Reopening Case and Requesting Appointment of*  
15       *Chapter 7 Trustee* on January 30, 2018 [Doc No. 669] and appointed Applicant as the trustee.

16          6.       Based on Applicant’s personal knowledge and experience working with KDG,  
17       Applicant wishes to employ Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP  
18       (“KDG”), 4550 California Avenue, Second Floor, Bakersfield, California as her  
19       attorneys of record as general counsel for the following purposes:

20               a.     To advise and consult with Applicant concerning questions arising  
21       during the administration of the estate and concerning the rights and remedies of Applicant  
22       with regard to the assets of the estate and the claims of secured and unsecured creditors; and

23               b.     To assist in preparing such pleadings, motions, notices, and orders as are  
24       required for the orderly administration of the above-referenced case.

25          7.       The United States Trustee has requested that applicant describe the specific  
26       need for counsel. Here, counsel is needed to:

27               c.     Assist Trustee to employ special counsel to litigate the claims against  
28       Mr. Williams.

1 d. Assist Trustee to determine what portion of said claims against Mr.  
2 Williams are property of the estate, if any.

3 8. Applicant wishes to employ KDG as general counsel for Applicant for the  
4 foregoing and all other necessary and proper purposes.

5 9. Applicant selected KDG because applicant believes:

6 e. KDG is familiar with bankruptcy practice and debtors-creditor law;

7 f. KDG is experienced in representing trustees in chapter 7 cases;

8 g. KDG is qualified to act as her attorneys;

9 h. KDG is best suited to represent her because it is familiar with the case  
10 because it represented Mr. Parker; and

11 i. Employing KDG is in the best interest of the estate.

12 10. Based upon the Declaration of Lisa Holder filed concurrently with this  
13 application, Applicant believes that KDG, its members and/or associates:

14 j. Are not a creditor, an equity security holder, or an insider of Debtors;

15 k. Were never an investment banker for any outstanding security of  
16 Debtors;

17 l. Never were an investment banker for a security of Debtors, or an  
18 attorney for such investment banker with the offer, sale, or issuance of any security of Debtors;

19 m. Never were a director, officer, or employee of the Debtors or of any  
20 investment banker for any outstanding security of the Debtors;

21 n. Neither hold, nor represent an interest materially adverse to the interest  
22 of the estate or of any class of creditors or equity security holders, by reason of any direct or  
23 indirect relationship to, connection with, or interest in, the Debtors or an investment banker for  
24 any security of the Debtors, or for any other reason;

25 o. Are not a relative or employee of the United States Trustee or any  
26 bankruptcy judge, including the judge considering the employment application; and

27 p. Have no connections with the Debtors, their creditors, parties in interest,  
28 its attorneys and/or accountants, the United States Trustee, or any person employed by the

Office of the United States Trustee except as may be set forth in the Declaration of Lisa Holder filed concurrently with this application.

11. Compensation paid to KDG will be based on its normal and usual hourly billing rate plus reimbursement for costs incurred by it as described below. Any compensation paid to KDG will be paid after application and approval by the Court. Applicant is informed that the normal billing rates for persons who will provide legal services to Applicant are:

Lisa A. Holder	\$325.00 per hour
Other Senior Attorneys	\$265.00 to \$550.00 per hour
Associate Attorneys	\$175.00 to \$295.00 per hour
Karen A. Clemans, CBA	\$175.00 per hour
Other Legal Assistants	\$85.00 to \$195.00 per hour

KDG will seek interim compensation during the course of this case as permitted by 11 U.S.C. Section 331 if substantial fees are incurred.

WHEREFORE, Applicant requests that she be authorized to employ KDG as her attorneys of record as general counsel to render services in the areas described above with compensation to be paid as an administrative expense for such amounts as the Court may hereinafter determine and allow.

Date: March 15, 2018

  
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TRUDI MANFREDO

## II. Verification

The above statements are within my personal knowledge, or as described above I am informed regarding the facts stated and I believe them to be true, and I can testify competently regarding these statements if called as a witness.

I declare under the penalty of perjury under the laws of the State of California and of the United States that the foregoing is true and correct.

Executed this March 15, 2018, at Fresno, California.

  
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TRUDI MANFREDO

**Original**